

Wireless Communications Commission (WCC) Interim Purchasing Guidelines and Procedures

Mississippi Code Section 25-53-171 establishes the Mississippi Wireless Communications Commission (“Commission”) to plan and oversee the implementation of a statewide wireless communications system for use by all government entities in the state. To assist the Commission in achieving that goal, Mississippi Code Section 25-53-171 (4) gives the Commission, in conjunction with the Department of Information Technology Services, the authority and responsibility to approve all wireless communication purchases within the state and to set forth rules and regulations governing these purchases. In accordance with this charge, the Commission has established the following interim guidelines and procedures for the approval process.

Procurements Requiring Commission Approval

Each category includes equipment and service charges, whether one-time or recurring, for both voice and data applications. Note: Maintenance charges for existing equipment do not require WCC approval.

Technology	Examples
Radio Frequency	Voice: 2-way radio products and services Data: Public safety and emergency services data
Cellular	Voice: Standard cell phone products and services Data: Blackberry and other PDA devices, including GIS applications (AVL)
Satellite	Voice: Primary voice system for MEMA, Wildlife; emergency voice for DEQ, Health, Transportation, Public Safety Data: Available; not aware of any current public-sector applications in the state.
Traditional point-to-point high-speed data communications using wireless access points	Data: Intra-agency wireless communications among physical locations; cross-campus wireless point-to-point; Wi-Fi
IP/RF Dispatch and other hybrid systems	

Commission Approval Process

To help achieve its legislated goal of effective wireless communications interoperability with existing systems, the Commission will review wireless initiatives being considered by public entities in Mississippi prior to any procurement commitment.

It is not the intension of the Commission to mandate changes to existing systems. Agencies and local governments that are satisfied with their current technology and systems may continue to operate those systems, and any statewide solution will allow interoperability.

The Commission has delegated wireless procurements below defined cost thresholds to the purchasing entity and has also established a Wireless Communication Commission Procurement Review Committee ("Committee")_ to review purchases prior to or in lieu of full Commission review. The dollar thresholds and approval requirements for wireless purchases are set forth below. Please note that cost ranges are lifecycle costs and should include both initial purchase costs and ongoing expenditures for a reasonable product lifecycle.

< or = \$100,000	> \$100,000 - \$250,000	> \$250,000
<ul style="list-style-type: none"> • Follow normal purchasing procedures; • No Committee or Commission approval or review required; • Includes use of ITS 2-Way Radio Express Products List (EPL), Cellular EPL, and the MS Criminal History Center Equipment List, up to \$100,000 per purchasing entity's fiscal year; 	<ul style="list-style-type: none"> • Requires review and approval of Committee; • Follow normal purchasing procedures after Committee approval; 	<ul style="list-style-type: none"> • Requires preliminary review by Committee and approval of Commission; • Follow normal purchasing procedures after Commission approval;

Submission of Information for Approval

For wireless purchases requiring review and approval by the Committee or the full Commission, agencies and institutions under ITS purview should complete the applicable ITS Procurement Request Form. Local governments and other governing authorities not under ITS purview should complete the attached form for wireless purchases requiring Committee or Commission action.

Submit the appropriate form to: Wireless Communication Request, c/o ITS, 301 North Lamar Street, Suite 508, Jackson, MS 39201. Requests must be received no later than one week prior to the date of the regularly scheduled WCC meeting, the first Thursday of each month, to be considered by the Commission and/or the Committee at that month's meeting.

The WCC will return the form to the requesting entity after review, with the Commission's action noted. Where applicable, approved requests will be forwarded to ITS after Committee and/or Commission action.

For assistance with a wireless procurement, contact the ITS Procurement Help Desk at 601-576-HELP (576-4357).

Emergency Procurements

A "state of emergency" or "local emergency" as defined in Miss. Code Ann. § 33-15-5 (f) and (g), must exist for such a procurement to be considered an emergency purchase by the Commission. In accordance with Miss. Code Ann. § 33-15-17(b) (1972), as interpreted by the Mississippi Attorney General (Op. No. 2002-0393, August 9, 2002), when any disaster occurs

and has been declared in accordance with law, local governments have the power to enter into contracts and incur obligations "necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster." This power extends to the purchase and rental of equipment as well as the purchase of supplies and materials "without regard to time-consuming procedures and formalities prescribed by law" pertaining to such procurement.

Emergency Procurements by Local Governments: The Commission recognizes that the emergency management law, Miss. Code Ann. § 33-15-17(b) (1972), is the controlling authority and governs wireless communication purchases by local governments during declared emergencies under § 33-15-1 et seq. so long as emergency conditions giving rise to the need for the purchase (combat of the disaster, protection of health and safety of persons and property, and providing emergency assistance to disaster victims) remain in place. When such emergency needs for wireless communication procurement no longer exist, the emergency authority to procure such equipment without compliance with other applicable state law ends as well.

Emergency Procurements by State Agencies: With regard to state agency emergency procurement, the Emergency Management Law, Miss. Code Ann. Section 33-15-11(b)(17)(1) (1972), requires that the Governor suspend provisions of state laws, rules or regulations prescribing procedures for the conduct of state business before such procedures may be dispensed with. He may do this if strict compliance with the provisions of such procurement statutes, orders, rules or regulation would "in any way" prevent, hinder or delay necessary action in coping with a disaster. When the Governor exercises this authority to suspend public procurement laws for state agencies, the Commission recognizes that the Governor's Order regarding such suspension is the controlling authority and governs wireless communication purchases for the duration of his order. When the Governor lifts the suspension of these rules, the emergency authority to procure such equipment without compliance with other applicable state law ends as well.

Reporting Requirements for Emergency Procurements: The Commission requires that any state agency or local government procuring wireless communication technology, as defined herein, under the authority of Miss. Code Ann. § 33-15-17(b) or the exercise of the Governor's authority under 33-15-11(b)(17)(1) (1972), follow the state and federal laws otherwise applicable. The Commission directs the purchasing entity to strongly consider a temporary solution to the emergency need for wireless communications, to be followed by a competitive process for the selection of a permanent solution in accordance with all applicable statutes and the Commission's rules. For emergency purchases of wireless technology costing more than \$100,000, the purchasing entity also shall, within thirty days of the acquisition, inform the Commission of such emergency purchase or rental, the precise nature of the emergency necessitating the purchase or rental, the exact equipment purchased or rented and its cost.

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